

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DOUGLAS BRENNAN, Personal
Representative of the ESTATE OF
DENNIS BRENNAN,

Plaintiff,

v.

UNITED STATES OF AMERICA,
CHHANDA BEWTRA, M.D.,
CREIGHTON UNIVERSITY, ALAN
RICHARDS, M.D., NEBRASKA
METHODIST HEALTH SYSTEMS,
INC., d/b/a METHODIST HOSPITAL,

Defendants.

8:11CV240

MEMORANDUM AND ORDER

This matter is before the Court on the Plaintiff's Motion for Leave to File Third Amended Complaint (Filing No. 72) and Plaintiff's Amended Motion for Leave to File Third Amended Complaint (Filing No. 73). Plaintiff's Amended Motion (Filing No. 73) is not opposed by the Defendants, and the Court will grant the motion.

The Motion to Dismiss filed by Defendant United States of America (Filing No. 56) remains pending. To simplify matters, the Court will deny this Motion to Dismiss as moot. The Court expresses no opinion on the merits of this Motion to Dismiss, and the United States is free to reassert the arguments raised therein, or any other arguments, in a subsequent motion. Accordingly,

IT IS ORDERED:

1. Plaintiff Douglas Brennan's Motion for Leave to File Third Amended Complaint (Filing No. 72) is denied as moot;
2. Plaintiff's Amended Motion for Leave to File Third Amended Complaint (Filing No. 73) is granted. Plaintiff shall file his new complaint by February 24, 2012; and
3. Defendant United States of America's Motion to Dismiss (Filing No. 56) is denied, without prejudice.

DATED this 17th day of February, 2012.

BY THE COURT:

s/ John M. Gerrard
United States District Judge